

ESTTA Tracking number: **ESTTA418554**

Filing date: **07/07/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

### Petitioner Information

Name	RETAIL BRAND ALLIANCE, INC.		
Entity	Corporation	Citizenship	Delaware
Address	100 Phoenix Avenue Enfield, CT 06082 UNITED STATES		

Attorney information	Stephen L. Baker Baker and Rannells, PA 575 Route 28 Raritan, NJ 08869 UNITED STATES n.friedman@br-tmlaw.com,d.comunale@br-tmlaw.com,K.Hnasko@br-tmlaw.com,officeactions@br-tmlaw.com Phone:908-722-5640		
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### Registration Subject to Cancellation

Registration No	1918153	Registration date	09/12/1995
Registrant	HONG KONG CITY TOYS FACTORY LIMITED 30 CANTON ROAD ROOM 701 5 SILVERCORD TOWER 1 KOWLOON, HONG KONG		

### Goods/Services Subject to Cancellation

Class 028. First Use: 1993/05/19 First Use In Commerce: 1993/05/19 All goods and services in the class are cancelled, namely: dolls, doll clothing and doll accessories
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### Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition for cancellation.pdf ( 3 pages )(11485 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Stephen L. Baker/
Name	Stephen L. Baker
Date	07/07/2011



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Registration No. 1918153  
Registered: September 12, 1995

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Retail Brand Alliance, Inc.,

Petitioner,

v.

Hong Kong City Toys Factory Limited

Registrant,

-----X

Mark: BROOKE

Registration No. 1918153

Issued: September 12, 1995

PETITION FOR CANCELLATION  
PURSUANT TO 15 U.S.C. SECTION 1064(a)

In the matter of Trademark Reg. No. 1918153 for the mark BROOKE for “dolls, doll clothing and doll accessories” (“Registrant's Goods”) in Int. Class 028, issued to Hong Kong City Toys Factory Limited (“Registrant”) on September 12, 1995, Retail Brand Alliance, Inc., (“Petitioner”) a Delaware corporation located and doing business at 100 Phoenix Avenue, Enfield, CT 06082, believes that it will be damaged by the continued registration of BROOKE as Registrant's mark and hereby petitions to cancel said registration pursuant to 15 U.S.C. §1064 (Trademark Act of 1946, §14).

As grounds of cancellation, it is alleged that:

1. U.S. Registration No. 1918153 issued on September 12, 1995 to Hong Kong City Toys Factory Limited.

2. Upon information and belief, Registrant is a limited corporation organized under the laws of the British Virgin Islands having a place of business at 30 Canton Road, Room 701, 5 Silvercord Tower 1, Kowloon, Hong Kong.

3. The Registration covers the trademark BROOKE for “dolls, doll clothing and doll accessories” in International Class 028.

4. Petitioner is the owner of Trademark Application Serial No. 85176491 for the mark BROOKE for teddy bears in Class 28. Said application is pending and has been refused registration based upon Registrant’s BROOKE mark, namely Reg. No. 1918153.

5. The continued existence of Reg. No. 1918153 creates a serious cloud on Petitioner's continued right to use and register the BROOKE mark, alone or in combination, for the goods set forth in its application.

6. Petitioner believes that it is and will be damaged by the continued registration of the mark to Registrant.

7. Upon information and belief, Registrant has abandoned the mark covered by Reg. No. 1918153. Cancellation is, therefore, appropriate under Section 14(3) of the Lanham Act, 15 U.S.C. Section 1064(3).

8. Upon information and belief, the Registrant has not used the mark covered by the Registration for at least three (3) years.

9. Upon information and belief, Registrant has discontinued use of the mark covered by Reg. No. 1918153 for Registrant's Goods with the intent to abandon. Upon further information and belief, Registrant intends not to resume use of such mark for the goods specified.

10. Upon information and belief, service is proper upon Registrant as follows:

Hong Kong City Toys Factory Limited  
30 Canton Road, Room 701  
5 Silvercord Tower 1  
Kowloon, Hong Kong

WHEREFORE, Petitioner prays that Reg. No. 1918153 for the mark BROOKE be canceled.

Dated: July 7, 2011

Respectfully submitted for Petitioner  
Retail Brand Alliance, Inc.,

By: /s/ Neil B. Friedman  
Stephen L. Baker  
Neil B. Friedman  
BAKER and RANNELLS, PA  
575 Route 28, Suite 102  
Raritan, New Jersey 08869  
Tel (908) 722-5640  
Fax (908) 725-7088  
Email: [s.baker@br-tmlaw.com](mailto:s.baker@br-tmlaw.com);  
[n.friedman@br-tmlaw.com](mailto:n.friedman@br-tmlaw.com) and  
[officeactions@br-tmlaw.com](mailto:officeactions@br-tmlaw.com)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Petitioner's Petition to Cancel in re Retail Brand Alliance, Inc. v. Hong Kong City Toys Factory Limited, was forwarded by first class postage prepaid mail by depositing the same with the U.S. Postal Service on this 7th day of July, 2011 to Registrant at the following address:

Hong Kong City Toys Factory Limited  
30 Canton Road, Room 701  
5 Silvercord Tower 1  
Kowloon, Hong Kong

/Neil B. Friedman/  
Neil B. Friedman